

Message Text

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E.O. 11652: N/A

TAGS: PFOR, EAIR, YO, US

SUBJECT: TWA HIJACKING TRIAL

REF: STATE 290022

1. A DEPUTY TO U.S. ASSISTANT ATTORNEY PATTISON GAVE US A STATUS REPORT ON DECEMBER 22. APPEAL OF THE CHANGE OF VENUE DECISION HAS BEEN FILED AND IS TO BE ARGUED JANUARY 14. ALTHOUGH THE COURT IS FULLY CONSCIOUS OF THE NEED FOR SPEEDY ACTION AND WILL PROBABLY MOVE FASTER THAN USUAL, ACCORDING TO THE DEPUTY, A DECISION IS STILL NOT EXPECTED BEFORE ABOUT THE END OF JANUARY. IT IS THEREFORE UNLIKELY THAT THE TRIAL WOULD START BEFORE FEBRUARY.

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2. THE U.S. ATTORNEY'S OFFICE HAS ALREADY PREPARED THE WAY FOR AN IMMEDIATE INDICTMENT IN BUFFALO, IN CASE THE TRIAL CANNOT BE HELD IN NEW YORK. A POINT OF INFORMATION: THE CHANGE OF VENUE MOTION INVOLVES ONLY THE FIRST TWO COUNTS -- ATTEMPT TO COMMIT AIR PIRACY AND ATTEMPT TO COMMIT AIR PIRACY FROM WHICH

DEATH RESULTS. THE THIRD COUNT UNDER THE NEW YORK
INDICTMENT -- CONSPIRACY TO COMMIT AIR PIRACY--WOULD STILL
HOLD. HOWEVER, BECAUSE THE SECOND COUNT IS A CAPITAL

OFFENSE, THE ATTORNEY'S OFFICE WOULD PREFER TO PROSECUTE
PRIMARILY IN BUFFALO IF THE CHANGE OF VENUE MOTION
SUCCEEDS.
KISSINGER

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